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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,423	04/10/2006	Timm Gudehus	006039.00005	1398
22907 7590 10/04/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER PRAKASAM, RAMYA G	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/533,423

Applicant(s)

GUDEHUS ET AL.

Examiner

Ramya G. Prakasam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed on 7/16/2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger (U.S. Patent No. 3,978,995).
4. Zollinger et al. '995 disclose a warehouse and storage system per claimed invention. The system comprises storage area having rack modules and rack plates including rack Shelves for storing goods on pallets (Figures 2 and 3). The system comprises at least one aisle between the rack plates. The system comprises a floor- bound vehicle 200 that rides on tracks 18 within the aisle. The system comprises a feeding system working floor-free (Figures 2 and 3) having a traversing unit 100 with load receiving means 150 for taking out the pallets from the rack shelves. In another disclosed embodiment demonstrated in Figure 5, the system comprises a feeding system working floor-free having a traversing unit 200V with load receiving means 280 for taking out pallets from the rack shelves. The system comprises a computerized control system for controlling automatic movements of the vehicle and the feeding system. The system further comprises an operating unit that is connected with at least one vehicle and at least one tranversing unit. It is obvious that state data of respective automated equipment is collected by the computer control system in order to provide automatic controls of the entire system. It is obvious that the collected data is used to synchronize equipment movement and to prevent collision among the automated equipments. Zollinger et al. '995 is silent as to the travel

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destination of the track-guided vehicle. Nevertheless, it is obvious for one of ordinary skill in the art to have directed the vehicle to any locations, inside or outside of the storage area, as long as guide tracks are being provided.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger in view of Goodman (U.S. Patent No. 6,658,320).

6. Zollinger discloses all claimed limitations, except for a system wherein the exchange of data is performed via electro-magnetic waves. Goodman discloses a system wherein the exchange of information is performed via electro-magnetic waves (See Column 5, lines 18-2) for the purpose of providing a means for a processor to exchange data with other hardware external to the apparatus (See Column 5, lines 21-22). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Zollinger by utilizing discloses a system wherein the exchange of information is performed via electro-magnetic waves for the purpose of providing a means for a processor to exchange data with other hardware external to the apparatus.

#### ***Response to Arguments***

7. Applicant's arguments filed on 7/16/2007 have been fully considered but they are not persuasive.

8. With regards to applicant's argument that Zollinger's system is not a floor-bound system, the mobile tier runs along the floor by virtue of the fact that it is conveyed in a longitudinal direction along the line of the floor. Further, with regards to applicant's argument that the mobile transfer vehicles are not arranged above the movable vertical lift, as can be seen by Figure 3, the transfer vehicles move along with the system, therefore can be arranged above the movable

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vertical lift. Finally, with regards to applicant's argument that the mobile transfer vehicles are no independently movable along a portion of the path, it is only required that the mobile transfer vehicles be capable of being independently movable. As can be seen in Figure 5, the mobile transfer vehicles are in fact capable of being independently movable.

9. For the foregoing reasons, the claims stand rejected. Claims 23 and 24 have been included in this action.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/28/2007

RGP



GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER